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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/715,131	11/20/2000	James Thomas Edward McDonnell	1509-135	6368
22879	7590	03/07/2006	EXAMINER	
HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400				IQBAL, KHAWAR
ART UNIT		PAPER NUMBER		
2686				

DATE MAILED: 03/07/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	09/715,131	MCDONNELL ET AL.	
	Examiner Khawar Iqbal	Art Unit 2686	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 03 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 1-23-06.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 31,33,35-46,53-56,59-61,63,67,69 and 79-84 is/are pending in the application.
 - 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 31,33,35-46,53-56,59-61,63,67,69 and 79-84 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All b) Some * c) None of:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application (PTO-152)
- 6) Other: _____.

DETAILED ACTION

Continued Examination Under 37 CFR 1.114

1. A request for continued examination under 37 CFR 1.114, including the fee set forth in 37 CFR 1.17(e), was filed in this application after final rejection. Since this application is eligible for continued examination under 37 CFR 1.114, and the fee set forth in 37 CFR 1.17(e) has been timely paid, the finality of the previous Office action has been withdrawn pursuant to 37 CFR 1.114. Applicant's submission filed on 01-23-2006 has been entered.

Claim Rejections - 35 USC § 102

2. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

3. Claims 31,33,35-45,53-56,59,61,63,67,69,79-84 are rejected under 35 U.S.C. 102(e) as being anticipated by Rautila (20040171378).

4. Regarding **claim 31** Rautila teaches apparatus for transferring data from a network to a mobile device comprising (figs. 1,3):

a transmitter arrangement having differing narrow and wide bandwidth links for transmitting data from the network to the mobile device (para. # 0030-0031),

the transmitter arrangement being arranged for notifying (unique order number) (para. # 0030-0031), via the narrow bandwidth link, the mobile device of data awaiting transfer thereto from the network (para. # 0030-0031), transmitter arrangement being arranged for transferring the data to mobile station via the wide bandwidth link and the narrow bandwidth, the wide bandwidth link having range then the range of the narrow bandwidth link (para. # 0030-0032,0034); and

an arrangement for transferring the data from the network to the mobile device and for causing transfer of the data (para. # 0030-0032), via the wide bandwidth link, to the mobile device unless the mobile device is outside of the range of the wide bandwidth link, in which case the data are selectively immediately transferred to the mobile device via the narrow bandwidth or are subsequently transferred to the mobile device via wide bandwidth link when the mobile device is in range of the wide bandwidth link (para. # 0030-0032,0034).

Regarding claim 33 Rautila teaches a method of data transfer by using first and second communication links of differing bandwidths between a network and a mobile device, the first link having a narrower bandwidth and longer range than the second link, the method comprising (figs. 1,3):

notifying the mobile device of data awaiting transfer thereto from the network by transmitting a first signal from the network to the device via the first link (para. # 0030-0032,0034); and

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transferring the data from the network to the mobile device by transmitting a second signal from the network to the device via the first link or the second link (para. # 0030-0032, 0034); and

transfer to the mobile device occurring via the second link immediately after the notifying step only if the mobile device is in the range of the second link, the transfer to mobile device selectively occurring (a) immediately after the notifying step via first link if the mobile device is in range of the second link **or** subsequently to the notifying step via the second link when the mobile device is in the range of the second link (para. # 0030-0032, 0034).

Regarding claims 35,67 Rautila teaches wherein the selective transfer is executed in response to a user input at the mobile device (para. # 0030-0032, 0034).

Regarding claim 36 Boyle et al teaches wherein the selective transfer is executed by software on the mobile device (para. # 0030-0032, 0034).

Regarding claims 37,59 Rautila teaches wherein the selective transfer is executed by software present on a base station of the network, and further including transmitting data corresponding to the selective transfer to the mobile device via the first link (para. # 0030-0032, 0034).

Regarding claims 38,54,69 Rautila teaches wherein the first link included a public land mobile network (para. # 0030-0032, 0034).

Regarding claims 39,55-56 Rautila teaches wherein the second link includes a wide band short range wireless network (para. # 0030-0032, 0034).

Regarding claims 40-42 Rautila teaches (para. # 0030-0032, 0034).

Regarding claim 43,61 Rautila teaches further including only temporarily forming at least one of the first and second links (para. # 0030-0032, 0034).

Regarding claim 44 Rautila teaches further including transferring data to the mobile device from a second network via another wide bandwidth link after the mobile device has been notified via a narrow bandwidth link that it is to receive data from the second network (para. # 0030-0032, 0034).

Regarding claim 45 Rautila teaches further including the steps of transferring a decryption key from the network to the mobile device via the first link; and then transferring the data in encrypted form, based on the key, from the network to the mobile device via the second communication link (para. # 0030-0032, 0034).

Regarding claim 53 Rautila teaches a data transfer system comprising (figs. 1,3):
a network, a mobile device, a first transmitter and a second transmitter, the network being adapted to contain data, the mobile device being adapted to receive signals from both the first and second transmitters (para. # 0024-0025, 0030-0032), the first transmitter being adapted to transmit a first narrow bandwidth long range signal (mobile network 80) to the mobile device via a first narrow bandwidth long range channel, the first signal indicating data on the network are available to be transferred to the mobile device (para. # 0024-0025, 0030-0032), the second transmitter being adapted to transmit to the mobile device via a second wide bandwidth short-range channel (hotspot network), a second wide bandwidth short range signal including the data, device and the first transmitter being arranged for selectively causing the first transmitter to transmit the data via the first channel and enabling the mobile device to

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selectively receive the data via the first and second channels (para. # 0024-0025, 0030-0032,0034);

the network being adapted to responded to a transmission resulting from an input by a user of the mobile device that the user want to receive the data by transmitting the data to the second transmitter (para. # 0024-0025, 0030-0032,0034).

Regarding claim 63 Rautila teaches a method of transferring data between a mobile device arrangement and a network arrangement via first and second communications links between the device arrangement and network arrangement, the first and second links respectively having narrow and wide bandwidths, the method comprising (figs. 1-3):

sending a first narrow bandwidth signal from a first of the arrangements to the second of the arrangements via the first link (para. # 0024-0025, 0030-0032,0034), the first signal indicating that the first arrangement is ready to transmit data to the second arrangement (para. # 0024-0025, 0030-0032,0034), then sending a second wide bandwidth signal from the first arrangement to the second arrangement via the second link, the second signal including the data (para. # 0024-0025, 0030-0032,0034);

scheduling the sending of the data from the first arrangement to the second arrangement via one of the first and second links, and transferring the data from the first arrangement to the second arrangement via one of the first and second links base on the schedule (para. # 0024-0025, 0030-0032,0034).

Regarding claims 79-84 Rautila teaches (para. # 0024-0025, 0030-0032,0034).

Claim Rejections - 35 USC § 103

5. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

6. Claims 46,60 are rejected under 35 U.S.C. 103(a) as being unpatentable over Rautila (20040171378) and further in view of Aho et al (6198941).

Regarding claims 46,60 Rautila does not specifically teach GPS.

In an analogous art, Aho et al teaches determining the location of at least one of the mobile device and a base station of the second communication link by using GPS (col. 6, lines 12-26). Therefore, it would have been obvious to one of ordinary skill in the art at the time the invention was made to modify the device of Rautila by specifically adding feature, Improves data transfer in the communication device as taught by Aho et al.

Response to Arguments

Applicant's arguments filed 01-23-06 have been fully considered but they are not persuasive. Examiner has thoroughly reviewed applicant's arguments but firmly believes the cited reference to reasonably and properly meets the claimed limitations. Applicant's argument was regarding claims 31,33,53 and 63 that in response, examiner would like to point out that Rautila very clearly states; the method involves accessing an electronic shop server and ordering a digital product from the server using a mobile device with cellular phone capability. A hotspot network location is identified where the

digital product may be downloaded into the mobile device using a short-range transceiver embedded in the mobile device. The mobile device detects a low power radio frequency signal generated by the hotspot network location. The digital product is downloaded into the mobile device by the hotspot network location transmitting the digital product using the low power radio frequency signal to the short-range transceiver of the mobile device. If, in operation 380, the user 20 decides to download the digital product at a hotspot network 50 locations, processing proceeds to operation 390 where a list of the local hotspot network 50 locations is presented to the user 20. Thereafter, whether the user 20 decides to have the electronic product downloaded at a hotspot network 50 locations or via the cellular phone capability of the mobile station 10, a unique order number is transmitted to mobile station 10 by the electronic shop server 40 in operation 400 (para. # 0024-0025, 0030-0032,0034).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Khawar Iqbal whose telephone number is 571-272-7909.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Joseph H. Feild can be reached on (571) 272-4090. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist/customer service whose telephone number is (571) 272-2600.

Khawar Iqbal



JOSEPH FEILD
SUPERVISORY PATENT EXAMINER